

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

POWERVIBE, L.L.C.,	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 307-CV1536-K
	§	
PATRICK BARBARA,	§	
	§	
Defendant.	§	

DEFENDANT PATRICK BARBARA'S FIRST AMENDED MOTION TO DISMISS

TO THE HONORABLE COURT:

Defendant Patrick Barbara moves to dismiss Plaintiff's claims against him pursuant to Rule 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure, and pursuant to the doctrine of forum non conveniens, and in support thereof would show the Court as follows:

I.

1. Patrick Barbara is not subject to personal jurisdiction in the State of Texas;
2. There is not proper venue in this action;
3. The action should be dismissed based upon the doctrine of forum non conveniens;

and

4. Patrick Barbara refers the Court to the Affidavit and Brief filed in support of this First Amended Motion to Dismiss.

WHEREFORE, PREMISES CONSIDERED, Defendant Patrick Barbara respectfully requests that the Court dismiss all claims against him in this action.

Respectfully submitted,

/s/Shawn K. Brady
Shawn K. Brady
Texas Bar No. 00787126

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Patrick Barbara

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2007, a true and correct copy of the above and foregoing has been delivered via ECF to J. Mark Bragg, LAW OFFICES OF J. MARK BRAGG, 5700 W. Plano Parkway, Suite 3400, Plano, Texas 75093.

/s/Shawn K. Brady
Shawn K. Brady